

REMARKS

Claims 61, 64, 66, 68, 73, 78, and 81-88 are pending in the application and are rejected in this Office Action.

Rejections Under 35 U.S.C. §103

The Examiner rejects claims 61, 64, 66, 68 and 81-88 under 35 U.S.C. §103(a) as being unpatentable over Perronin et al. US 3,991,007 (the '007 patent) alone and in view of Strella et al. US 3,928,656 (the '656 patent).

The Examiner states that Perronin teaches the preparation of pigmentary particles coated with an organic polymer to allow dispersible of the pigment in a medium. The Examiner states that Perronin does not expressly teach the instantly claimed butyl methacrylate-acrylic acid polymer.

The Examiner states that Strella teaches preparing a colored toner for forming a uniform dispersion of dye or pigment in a resinous material. The Examiner states that the polymers taught include butyl methacrylate-acrylic acid for providing toner compositions.

The Examiner has addressed the 132 Declaration filed with the Response in the Office Action mailed August 1, 2006. The Examiner acknowledges that the Declaration establishes that the instant copolymers are softer and less prone to cracking than the prior arts.

The Examiner acknowledges the copolymer wherein the acrylic acid is in an amount of 5% and 10% respectively, and butyl methacrylate is an amount of 90% and 95% respectively is unexpected.

The Examiner states that applicant has not demonstrated this unexpected property is applicable to the entire range claimed.

In response, applicant has submitted a Declaration under 37 C.F.R. § 1.132. In the Declaration 2 samples containing methyl methacrylate at 80% and 85%, acrylic acid

of 20% and 25% respectively were tested against 2 samples containing butyl methacrylate at 80% and 85%, acrylic acid of 20% and 25% respectively.

Applicants submit that the additional testing presented in the Declaration submitted herein confirms that butyl methacrylate in this invention gives unexpected results in the ranges claimed in this application.

The Examiner rejects claim 73 under 35 U.S.C. §103(a) as being unpatentable over Perronin et al. US 3,991,007 in view of Strella et al. US 3,928,656 in view of Katsen et al. US 5,746,817.

In response applicants have canceled claim 73.

The Examiner rejects claims 73 and 78 under 35 U.S.C. §103(a) as being unpatentable over Perronin et al. US 3,991,007 in view of Hosotte-Filbert et al. US 5,681,877 in view of Pagano et al. US 5,772,988.

In response applicants have canceled claim 73 and 78.

In view of the above amendments and remarks, Applicants respectfully submit that this application is now in condition for allowance and earnestly request such action.

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,



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